

BRIEF ON APPEAL
Serial Number: 10/658,864
Filing Date: September 9, 2003
Title: A CASINO CARD GAME WITH PARLAY BET FEATURE

Page 1 of 25

Docket No.: PA0912.ap.US

S/N 10/658,864

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Roger Snow

Examiner: Benjamin Layno

Serial No.: 10/658,864

Group Art Unit: 3711

Filing Date: September 9, 2003

Docket: PA0912.ap.US

Title: A CASINO CARD GAME WITH PARLAY BET FEATURE

MAIL STOP: APPEAL BRIEF - PATENTS

P.O. BOX 1450

Commissioner for Patents

Alexandria, VA22313-1450

Sir:

This is a **REPLY BRIEF** filed in triplicate with the U.S. Patent and Trademark Office on an appeal from a final rejection by the Examiner and in response to the Examiner's Answer mailed 28 November 2006. **Appellant requests a personal appearance before the Board of Appeals and the fee for that appearance is authorized to be debited to ATTORNEY'S DEPOSIT ACCOUNT NO. 50-1391.**

The U.S. Patent and Trademark Office is hereby authorized to debit any ADDITIONAL costs and fees associated with this Petition to Deposit Account No. 50-1391.

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP: APPEAL BRIEF - PATENTS, P.O. BOX 1450, Commissioner for Patents, Alexandria, VA 22313-1450 26 January 2007

Mark A. Litman
Name

Signature

TABLE OF CONTENTS

| | |
|---|-----|
| Real party in interest..... | 3 |
| Related appeals and interferences..... | 4 |
| Status of claims..... | 5 |
| Status of amendments..... | 6 |
| Summary of independently claimed subject matter | 7 |
| Grounds of rejection to be reviewed on appeal..... | 8-9 |
| New Issue Raised in Examiner's Answer..... | 10 |
| Argument..... | 11 |
| Claims appendix..... | |
| Evidence appendix..... | |
| Related proceedings appendix..... | |

BRIEF ON APPEAL

Serial Number: 10/ 658,864

Filing Date: September 9, 2003

Title: A CASINO CARD GAME WITH PARLAY BET FEATURE

Page 3 of 25

Docket No.: PA0912.ap.US

REAL PARTY IN INTEREST

The real party in interest in this Appeal is the assignee of the full right, title and interest in this Application, Shuffle Master, Inc., having a place of business at 1106 Palms Airport Drive, Las Vegas, Nevada 89119-3730.

BRIEF ON APPEAL

Serial Number: 10/658,864

Filing Date: September 9, 2003

Title: A CASINO CARD GAME WITH PARLAY BET FEATURE

Page 4 of 25

Docket No.: PA0912.ap.US

RELATED APPEALS AND INTERFERENCES

The Appellant(s), the legal representative prosecuting this application and Appeal, and the assignee are not aware of any Appeals or Interferences that will directly affect or have a bearing on the Board's of Patent Appeals and Interferences decision in this pending Appeal.

BRIEF ON APPEAL

Serial Number: 10/ 658,864

Filing Date: September 9, 2003

Title: A CASINO CARD GAME WITH PARLAY BET FEATURE

Page 5 of 25

Docket No.: PA0912.ap.US

STATUS OF CLAIMS

Claims 1-20, All of the Claims in the Application, Have Been Finally Rejected under 35 USC 103(a) As Unpatentable over Brunelle in View of Jones.

BRIEF ON APPEAL

Serial Number: 10/ 658,864

Filing Date: September 9, 2003

Title: A CASINO CARD GAME WITH PARLAY BET FEATURE

Page 6 of 25

Docket No.: PA0912.ap.US

STATUS OF AMENDMENTS

A Response After final rejection (Request for Reconsideration) was filed on 01 August 2005, within a two-month period after Final Rejection and that Response was considered by the Examiner. There were no Amendments to the claims made in that Response. An Advisory Action was mailed by the PTO on August 9, 2005.

SUMMARY OF INDEPENDENTLY CLAIMED SUBJECT MATTER

The technology of this application claimed in the two independent claims 1 and 20 relates to a method of playing a live casino card game with a bonus game component. In the play of the method, certain definite steps must be made. Those steps, **RECITED IN EACH OF THE TWO INDEPENDENT CLAIMS 1 AND 20 (as shown below)** include:

1) A player making a first wager to play in the live casino card game and the player placing an optional side bet bonus wager on the bonus game component. **(Claims 1 and 20; and page 7, lines 1-6; page 7, line 13 through page 8, line 11)**

2) After the bet (and when made, after the optional side bet is made) a first number of cards are dealt to a bonus hand position and a second number of cards are dealt to the player as the player's hand. There may be multiple players. **(Claims 1 and 20; and page 7, lines 1-6; page 7, line 13 through page 8, line 11)**

3) When the player hand has at least a predetermined winning arrangement of cards comprising a preselected winning poker rank, the player attains at least a first bonus amount level on the player's placed **side bet** wager. This winning event is based solely upon the poker rank of the player's hand and is based on the side bet wager. **(Claims 1 and 20; and page 7, lines 1-6; page 7, line 13 through page 8, line 11)**

4) When the player has a winning arrangement of cards and the first number of cards **(in the bonus hand)** has at least a winning arrangement of cards, enhancing the first bonus amount level attained by the player **on the side bet wager**. Thus, both an initial bonus win (on the hand against a payable) and a second bonus win (on the bonus hand against a payable) are offered on the same bonus side bet wager. **(Claims 1 and 20; and page 7, lines 1-6; page 7, line 13 through page 8, line 11)**

Thus, in this format of play, a player wins a first winning bonus amount against a payable (that cannot be lost in the play of any remaining game considerations) when the player's hand (the second number of cards) has at least a predetermined poker rank.

After the play of the player's hand against the payable, the bonus hand is evaluated. If the bonus hand is itself at least a predetermined rank according to a distinct payable, the first winning amount is enhanced (e.g., added to, multiplied, or a multiple added thereto) to increase the original winning amount. The bonus award is enhanced by achieving a predetermined bonus hand against a payable, and the bonus amount win may be independent of the relative rank of the player's hand and the bonus hand. (See **original claims 1-3; page 7, lines 1-6; page 7, line 13 through page 8, line 11**). (Claims 1 and 20)

The difference in the subject matter of the second Independent claims ((Claim 20) is narrower than that of claim 1 by reciting:

“...only two hands are dealt as between each player, a player hand and a bonus hand;...”

There are no means plus function claims. Reference is therefore made in the above description of the invention to the relevant sections of the specification where every material structure, material or acts are described in the specification. Those sections are now highlighted as they were filed in the previous Brief on Appeal.

Each independent claim is argued separately in the Arguments of Appellants section.

There are no references to elements in the drawings in the claims as the claims, being method claims, do not refer to elements in the drawings.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

**Claims 1-20 Have Been Finally Rejected under 35 USC 103(a) As
Unpatentable over Brunelle in View of Jones.**

Solely for the purposes of expediting this Appeal and complying with the requirements of 37 C.F.R. 1.192(c)(7), the following rejection is on Appeal and Applicants have suggested a grouping of claims. This grouping is not intended to constitute any admission on the record that claims within groups may or may not be independently asserted in subsequent litigation or that for any judicial determination other than this Appeal, the claims may or may not stand by themselves against any challenge to their validity or enforceability.

NEW ISSUE RAISED IN THE EXAMINER'S ANSWER

The Examiner's Answer specifically states that "The only feature recited in claims 1 and 20 of the present invention [*sic*, understood to mean ---that is not taught by Brunelle---] is a 'winning poker rank.'"

It is this interpretation of the scope of the claims and the teachings of the reference that is at the heart of the failure of the rejection. Appellant has repeatedly pointed to other limitations in claims 1 and 20 that are not taught by Brunelle (and not corrected by the addition of Jones et al.), but that issue has never been addressed in the rejections or now in the Examiner's Answer.

This Reply Brief will point out and discuss only those **additional** limitations not taught by Brunelle and not corrected by Jones et al. The other differences have already been discussed in the Brief on Appeal, and so have the additional differences in limitations, which the Examiner's Answer ignores.

ARGUMENT

The rejection of Claims 1-20 under 35 USC 103(a) As Unpatentable over Brunelle in View of Jones.

Brunelle shows two distinct bonuses. The first bonus is paid on an optional ante wager when the player hand has a qualifying point count and the bonus hand is a predetermined point count. One doesn't win an actual amount with the qualifying hand, but rather the amount won is determined by the bonus hand, and there is only one payout. See Table II, columns 7 and 8. Brunelle teaches a second bonus payout. Payout is made on the occurrence of a player hand point total of (three) 3 and is paid on the bet, and not on the ante bonus wager. See column 2, lines 50-51.

Looking at claim 1, a simplified reading of the game is presented below from that recitation:

| CLAIM 1 | INTERPRETATION OF APPELLANT'S CLAIM | DIFFERENCE FROM BRUNELLE |
|--|--|---|
| a player making a wager to play in the live casino card game and placing an optional side bet bonus wager on the bonus game component; | The player places a game bet and a bonus bet | None |
| a first number of cards are dealt to a bonus hand position; a second number of cards are dealt to the player, | A bonus hand and a player's hand are dealt | Brunelle also requires that a dealer hand be dealt for competition against the player hand. This is neither required nor excluded by the claims. |
| when the player hand has at least a predetermined winning arrangement of cards comprising a preselected winning poker rank, | The player need only have a predetermined ranked poker hand and have placed the bet to enter the bonus. This is the PTO-recognized difference between the claims. | Brunelle states (Col. 2, lines 52-62) "To qualify for a bonus hand, a player must post a bonus ante stake...and have a three card total less than a predetermined count |

| | | value M..." *(See below) |
|--|--|--|
| the player attains at least a first bonus amount level on the player's placed optional side bet bonus wager; | The player wins a bonus on the poker ranked hand based on the side bet bonus wager. THIS IS AN ADDITIONAL LIMITATION NOT TAUGHT BY BRUNELLE. | Brunelle pays a bonus on the game bet wager only when there is a count of 3 (three aces) in the Player's hand. There is no bonus paid for a player's hand on the bonus bet versus a poker rank. The single bonus in Brunelle is based on a count (of 3) which is not regarded as a poker rank. |
| when the player has a winning arrangement of cards and the first number of cards has at least a winning arrangement of cards, enhancing the first bonus amount level attained by the player. | When the bonus hand has a ranked hand, an additional bonus is paid based on the bonus wager. THIS IS AN ADDITIONAL LIMITATION NOT TAUGHT BY BRUNELLE. | Brunelle cannot enhance the first bonus amount attained by the player on the side bonus bet, as he has not paid anything on the side bonus bet to the player under any circumstance, even when the count of 3 was attained. The only possible bonus to the player is on a count of 3, and that is paid on the game bet wager, only. |

*Brunelle further states on Column 2, lines 55-61 that "Each player whose had is 9 or lower **and** who wage red [*sic*, "wagered"] the bonus ante stake is eligible to play the bonus hand at the end of the round."

As can be seen from this comparison, a crucial element missing from Brunelle in **addition to yet another difference recognized by the PTO** is the fact that Brunelle does not pay a bonus on the poker ranking of the player hand based upon the **side bet wager** even if the player hand qualifies with a low count. **The side bet of Brunelle advances the player to a bonus event, but no side bet payout is made and then potentially enhanced.** Instead, a player's hand in Brunelle qualifies a player for a bonus payout and

the bonus hand determines a single amount. The qualification step in Brunelle does not provide any actual win amount. There cannot be an enhancement of a win, as there is no winning amount. Additionally, Brunelle deals a dealer hand and the win/loss on the game bet wager is based solely upon a player-versus-dealer competition. The claims do not exclude the presence of a dealer hand, but the win/advance mode required in the claim is based on an absolute poker rank of the player hand as opposed to a relative ranking between the player and dealer hand (which is not taught by Brunelle or Jones). This play of Brunelle is in contrast with the play of the recited game of Claim 1, which requires payment to the player of a bonus on the side bet wager for a ranked poker hand and an enhancement of the first bonus dependent upon the bonus hand rank. **ANOTHER POINT OF NOVELTY IS THE FACT THAT TWO DISTINCT BONUSES ARE AWARDED IN CLAIMS 1 AND 20, WHILE BRUNELLE MERELY ENTERS INTO A BONUS ROUND EVENT.**

Brunelle Fails to Teach a Bonus Wager Payout on a Bonus Hand Win

FIRST – Claim 1 recites “when the player hand has at least a predetermined winning arrangement of cards comprising a preselected winning poker rank, the player attains at least a first bonus amount level on the player’s placed optional side bet bonus wager.” This recitation means that the player attains (is awarded) a first bonus amount on the player’s side bet bonus wager when the player’s hand achieves a first rank. This does not occur in Brunelle. The player’s initial hand in Brunelle can win only on their game bet, when the player hand wins against the dealer’s hand. This is true, even though the size of the payout may be dependent upon a combination of analysis of player’s hand count and dealer’s hand count, **THERE IS NO PAYOUT ON THE SIDE BET OF BRUNELLE EXCLUSIVELY BASED ON A PLAYER’S WINNING POKER HAND RANK.**

Look at the two tables on columns 5, 6, 7 and 8 of Brunelle. Table 1 shows a single payout on lines 1-5 of columns 7 and 8, with all other information in the table

limited to strategy of play. All payouts shown in Table II are based upon combined counts in the player's hand and the bonus hand. There is no winning amount listed for a predetermined arrangement of cards. Brunelle fails to teach this limitation, and the claim, as amended, cannot be anticipated and as further evidenced and argued below, is not obvious. The single bonus payout in Brunelle for a count of 3 is based upon the initial wager, not the side bet.

Brunelle fails to Award a Bonus Payout Solely on a Winning Player Hand

SECOND - Claim 1 recites "when the player has a winning arrangement of cards comprising a preselected winning poker rank, and the first number of cards has at least a winning arrangement of cards." The side bet allows advancement into the bonus round by Brunelle, and importantly the first hand does not receive any payment on the bonus round because of its own rank, and because the winning event (with a payout to the player in the player's hand only) and play of the initial hand is direct play against the dealer's hand, Brunelle does not have any "predetermined winning arrangement" of cards. Brunelle has a qualifying count (which does not get a payment and therefore doesn't win) to enter the bonus round. This qualifying count may happen to win against the dealer's count (but that winning event not predetermined). Brunelle fails to teach this limitation, and the claim cannot be obvious over Brunelle alone, and this combination of events is not suggested or taught by Jones.

This deficiency is also not corrected by Jones. Jones shows a single bonus event attached to the side bet bonus wager. The player either wins or loses on the wager with the poker rank of the player's hand. There is no qualifying event (as in the at least a poker rank on the player's hand as recited in claim 1 or the at least a low point count required in Brunelle) taught by Jones. The Jones bonus event stands completely on its own.

Brunelle Fails to Teach Two Levels of Bonus Payout on a Single Wager, with the Second Bonus Being an Enhancement of a First Bonus

THIRD – Claim 1 finally recites “when the player has a winning arrangement of cards and the first number of cards has at least a winning arrangement of cards, enhancing the first bonus amount level attained by the player.” This limitation has two elements not taught by Brunelle or Brunelle and Jones in combination. First, the claim requires both a winning arrangement of cards based on a predetermined rank (**the qualifying count of Brunelle merely qualifies the Player to win, but no actual amount is awarded based solely on Player hand composition**) and the first number of cards (the bonus hand) independently must have a predetermined winning arrangement of cards. As noted, in the play of Brunelle there is no **winning** arrangement of cards in the player’s hand, only a qualifying count, for which the player advances to a stage that determines a single bonus amount.

Next, the claim 1 on Appeal requires “enhancing the first bonus amount level attained by the player.” As the player in Brunelle cannot win bonus money on the side bet bonus wager based solely on the bonus wager and the count of the player’s hand, but may only qualify for a later payment with a qualifying maximum total, there is never any “first bonus amount level attained by the player” based on the bonus wager. Therefore there is no first bonus amount level attained by the player to be increased.

Additionally, when Brunelle wins on the relative cumulative count of the player’s hand versus the dealer’s hand, this is not a win under the bonus wager side bet as recited in the claim, but is a win on the primary bet wager. Brunelle fails to teach this limitation. Jones does not correct these deficiencies as Jones teaches his own unique bonus event, which has no qualification step and is a single stage poker event with bonus paid on both the side bet and a play bet (supplementing the ante). There are not two potential distinct bonus event payouts on a single side bet wager as recited in the claims.

Brunelle in view of Jones will now be considered with respect to Claim 20 to show the failure of that rejection.

| CLAIM 20 | TEACHINGS OF BRUNELLE | COMMENTS |
|---|---|--|
| A method of playing a live casino poker-type card game with a bonus game component comprising:: | A wagering card game | |
| a player making a wager to play in the live casino poker-type card game and placing an optional side bet bonus wager on the bonus game component; | Each player makes a bet. | |
| only two hands are dealt as between each player, a player hand and a bonus hand; | Three cards are dealt face down to each player, to the dealer and to the bonus hand. | |
| a first number of cards are dealt to a bonus hand position; | The dealer combines his dealt cards with his count limit card and states his total. | There is no dealer hand or count total, or count limit card in Applicant's claims. |
| a second number of cards are dealt to the player as a player hand, | The dealer then turns over each player's cards one at a time, compares each player's hand with the dealer's hand, determines whether the player is a loser or winner. | The win/loss event is based solely upon the rank of a hand. All awards and amounts of awards are based on rank. There is no comparison with a non-existent dealer's hand. |
| when the player hand has at least a predetermined winning poker rank of cards, the player attains at least a first bonus amount level on the player's placed optional side bet bonus wager; | Any player who placed a bonus ante having a total less than or equal to a predetermined bonus count value (for example 9) is eligible for the bonus hand. | Advancement in potential awards occurs with a winning arrangement of cards (against the dealer hand), not a count total of cards. Brunelle does not provide an initial win amount on the player |

| | | |
|---|---|---|
| | | hand based on the bonus wager. |
| when the player has a winning arrangement of cards and the first number of cards has at least a winning poker rank of cards, enhancing the first bonus amount level attained by the player. | The dealer turns over the bonus hand cards and announces the bonus hand total. The dealer then refers to a bonus payout table and pays according to the payout value which matches with the player hand total and the bonus hand total. | The bonus hand rank is displayed. There is no count involved. There are no winning arrangements of cards, but only a count required by Brunelle. The player hand does not need to win to advance to a bonus consideration, but only need have a count less than 9. |

Jones does not show the features missing from Brunelle. Jones shows only a side bet and a single event payment on the side bet. Again there are never two separate payouts to a player in Jones based on the side bet.

As can be seen, there is a failure in the disclosure of Brunelle and Jones to teach the limitations of the claim 20, and there are steps disclosed in Brunelle that are inconsistent with combination with Jones to establish a game similar to that recited in claim 20. **There are three critical and interrelated features required by Brunelle that cause the reference to fail to anticipate specific recitations in claim 1.**

The Failure in Combining the Teachings of the Jones and Brunelle References with Respect to Other Claim Limitations

With respect to claims 9-12, with claim 9 being the independent claim in this group, claim 9 recites:

“A method of playing a casino table **poker-type** card game wherein a bonus hand, a dealer’s hand and a player’s hand are dealt,
wherein **the player plays against the dealer’s hand for rank** and the player may have **a bonus award to be paid on the player’s hand enhanced by a predetermined rank being present in the bonus hand.**”

Brunelle does not teach “poker-type card games.” Brunelle teaches only a count game (similar to blackjack or baccarat), and therefore claims 9-12 cannot be anticipated. There is no discussion of rank. Three Aces is a good hand in Brunelle because it has the lowest **count** of 3, not because it has a poker rank of three-of-a-kind.

Please also note the absence in both Brunelle and Jones of the **SECOND** and **THIRD** issues already discussed above with respect to Claim 1, those claim elements being present with different language in claim 9. Those claim limitations in Claim 20 are clearly absent from Brunelle (as detailed above) and from its combination with Jones, the latter of which does not have multiple hands against which the player engages for a win on the bonus wager, and therefore cannot have the bonus hand emphasized in those limits.

The clearly identified differences in actual rules and steps of play between claims 1 and 20 and the teachings of Brunelle and the failure of the teachings of claims 1 and 20 is so great that, even with every teaching of Jones (041) asserted in the Office Action to be assumed, *arguendo*, to be accurate for the reasons for which Jones is cited, the rejection would still fail. Jones (041) cannot overcome the deficiencies of Brunelle with respect to the recitations of claims 1 and 20 (and all dependent claims) as noted above, especially with respect to the **SECOND** and **THIRD** issues discussed above.

The Examiner’s Answer asserts that the arguments with respect to Jones are based upon viewing the Jones reference separately. The teachings of the Jones reference were examined to see how they could be combined with Brunelle, and it was shown that the references could not be combined to establish obviousness of the claimed invention and did not teach the deficiencies of the Brunelle reference. It is completely consistent with proper arguments that the absence of specific limitations from each of two combined references be shown one-at-a-time in each reference to show that the limitation cannot exist in the combination because of the absence of that limitation from each reference.

CONCLUSION

All rejections of record have been shown in detail to be in error. The rejection should be reversed and all claims should be indicated as allowable.

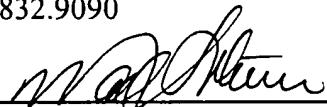
Applicants believe the claims are in condition for allowance and request reconsideration of the application and allowance of the claims. The Examiner is invited to telephone the below-signed attorney at 952-832-9090 to discuss any questions that may remain with respect to the present application.

Respectfully submitted,
INVENTOR NAMES

By their Representatives,
MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, MN 55435
(952)832.9090

Date 26 January 2007

By



Mark A. Litman
Reg. No. 26,390

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box: APPEAL BRIEF - PATENTS, P.O. BOX 1450; Commissioner for Patents, Alexandria, VA 22313-1450 on 26 January 2007.

Name: Mark A. Litman



Signature

CLAIMS APPENDIX

1. (PREVIOUSLY PRESENTED) A method of playing a live casino card game with a bonus game component comprising:

a player making a wager to play in the live casino card game and placing an optional side bet bonus wager on the bonus game component;

a first number of cards are dealt to a bonus hand position;

a second number of cards are dealt to the player,

when the player hand has at least a predetermined winning arrangement of cards comprising a preselected winning poker rank, the player attains at least a first bonus amount level on the player's placed optional side bet bonus wager;

when the player has a winning arrangement of cards and the first number of cards has at least a winning arrangement of cards, enhancing the first bonus amount level attained by the player.

2. (ORIGINAL) The method of claim 1, and further comprising a third number of cards dealt to the dealer, wherein the first number of cards, the second number of cards and the third number of cards are a same number of cards.

3. (ORIGINAL) The method of claim 1 wherein the live casino card game is a poker-type game wherein the player must place at least the ante bet and a first bonus bet to be able to place the optional side bet bonus wager.

4. (ORIGINAL) The method of claim 1 wherein the first number of cards comprises the first cards dealt in the game.

5. (ORIGINAL) The method of claim 1 wherein the first number of cards comprises cards dealt to the bonus hand position after at least one second number of cards has been dealt to a player.
6. (ORIGINAL) The method of claim 3 wherein the at least a predetermined poker hand rank for the player hand is at least a flush.
7. (ORIGINAL) The method of claim 3 wherein the at least a predetermined poker hand rank for the bonus hand is at least a specified pair.
8. (ORIGINAL) The method of claim 6 wherein the at least a predetermined poker hand rank for the bonus hand is at least a specified pair.
9. (ORIGINAL) A method of playing a casino table poker-type card game wherein a bonus hand, a dealer's hand and a player's hand are dealt,
 wherein the player plays against the dealer's hand for rank and the player may have a bonus award to be paid on the player's hand enhanced by a predetermined rank being present in the bonus hand.
10. (ORIGINAL) The method of claim 9 wherein the player a) plays against the dealer's hand for rank and b) the player may have a bonus award to be paid on the player's hand against a pay table, wherein the bonus award in b) can be enhanced by a predetermined rank being present in the bonus hand.
11. (ORIGINAL) The method of claim 9 wherein the player first becomes aware of the bonus award to be paid on the player's hand before the player can become aware that the bonus award to be paid is enhanced by the bonus hand.

12. (ORIGINAL) The method of claim 9 wherein the player first becomes aware of the bonus award to be paid on the player's hand before the player can become aware that the bonus award to be paid is enhanced by the bonus hand.

13. (ORIGINAL) The method of claim 2, wherein the live casino card game is a poker-type game.

14. (PREVIOUSLY PRESENTED) The method of claim 13, wherein a number of cards in the player hand, dealer hand and bonus hand are equal and are selected from the group consisting of 2, 3, 4, 5, 6 and 7 cards.

15. (ORIGINAL) The method of claim 1, wherein the live casino card game is selected from the group consisting of THREE CARD POKER® card game LET IT RIDE® card game and Blackjack.

16. (ORIGINAL) The method of claim 1 wherein the first number of cards in the bonus hand position are cards specific to play in the bonus event only and bonus hand position cards are not used in the play of the live casino table card game.

17. (ORIGINAL) The method of claim 3 wherein the first number of cards in the bonus hand position are cards specific to play in the bonus event only and bonus hand position cards are not used in the play of the live casino table card game.

18. (ORIGINAL) The method of claim 1 wherein the first number of cards in the bonus hand position are cards specific to play in the bonus event only and player hand

rank need not exceed bonus hand rank for the player to receive an enhanced bonus amount.

19. (ORIGINAL) The method of claim 3 wherein the first number of cards in the bonus hand position are cards specific to play in the bonus event only and player hand rank need not exceed bonus hand rank for the player to receive an enhanced bonus amount.

20. (PREVIOUSLY PRESENTED) A method of playing a live casino poker-type card game with a bonus game component comprising:

- a player making a wager to play in the live casino poker-type card game and placing an optional side bet bonus wager on the bonus game component;

- only two hands are dealt as between each player, a player hand and a bonus hand;

- a first number of cards are dealt to a bonus hand position;

- a second number of cards are dealt to the player as a player hand,

- when the player hand has at least a predetermined winning poker rank of cards, the player attains at least a first bonus amount level on the player's placed optional side bet bonus wager;

- when the player has a winning arrangement of cards and the first number of cards has at least a winning poker rank of cards, enhancing the first bonus amount level attained by the player.

EVIDENCE APPENDIX

There is no supplemental evidence or declaration/affidavit evidence to be considered.

BRIEF ON APPEAL

Serial Number: 10/ 658,864

Filing Date: September 9, 2003

Title: A CASINO CARD GAME WITH PARLAY BET FEATURE

Page 25 of 25

Docket No.: PA0912.ap.US

RELATED PROCEEDINGS APPENDIX

There is no evidence from any related proceedings under any judicial or administrative authority in the U.S. or elsewhere in the world directly on the subject matter of these claims.